IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4977 of 2005

Between:

Patnam Sudheer Reddy, s/o.Hanumantha Reddy
Contractor, R/o.Patnam,Kadiri Mandal, Ananthapur District.

..... PETITIONER

AND

1 Tirumala Tirupathi Devasthanams, represented by its

Executive Officer, Tirupathi.
2 The Director, BIRD, Hospital T.T.Devasthanams, Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the Tender Notice dt.2.3.2005 issued by Respondent No.1 and consequent Tender Schedule issued for entrustment of work of sanitation for BIRRD (T) Hospital, TTDs, Tirupati as illegal and invalid and to issue writ in the nature of mandamus or any other appropriate writ or order or direction directing the respondents to issue fresh tender notice according to law and to pass such other order or orders.

Counsel for the Petitioner: MR.S.SURYA PRAKASA RAO

Counsel for the Respondents: Sri P. Harnadh Gupta,

S.C. for T.T.D.

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.SR.VARMA

W.P.NO.4977 OF 2005

ORAL ORDER:

Heard both sides.

2. The petitioner is aggrieved by certain terms and conditions of the tender notification.

3. One of the terms and conditions, according to the petitioner, would cause loss to the Tirumala Tirupathi Devasthanam and another condition is violative of established canons under the Labour laws. Now, the objection of the petitioner is with regard to imposition of the above conditions (details are not recorded since not relevant). The last date for filing the tenders was scheduled on 15-03-2005 and the same would be opened on the same day at 3.15 P.M.

4. In this connection, it is to be seen that imposing the terms and conditions in the tender through a notification is totally within the

domain of the respondents. Further, the terms and conditions cannot be imposed by the persons, who are willing to participate in the tender. In other words, it is an offer made by the respondents and it is for the willing parties whether to participate in the tender or not.

5. It is needless to say that when once an individual participates in the tender, it is deemed that he or she has yielded to the terms and conditions of the tender notification and all other consequential proceedings. But, even at the threshold, a person, who did not even prepare to participate in the tender, cannot challenge the terms and conditions of the tender notification.

6. To put it in a different way, the petitioner has no *locus standi* to challenge the impugned tender notification.

7. Viewed from any angle, I do not find any justifiable reason to interfere with the impugned tender notification.

8. For the foregoing reasons, the writ petition fails and is liable to be dismissed.

9. Accordingly, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to costs.

D.S.R.VARMA, J

14TH MARCH 2005

ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Executive Officer, Tirumala Tirupathi Devasthanams,

Tirupathi.
2 The Director, BIRD, Hospital T.T.Devasthanams, Tirupathi.

3. Two CD copies

4. One CC to MR.HARNADH GUPTA, S.C. for T.T.D.

THE HONOURABLE SRI JUSTICE D.SR.VARMA

W.P.NO.4977 OF 2005

14TH MARCH 2005